

Tochman Memorial

HOUSE OF REPRESENTATIVES, February 24, 1863.—Filed
February 20, 1863.

[Mr. HARRIS, from Committee on Military Affairs.]

G. TOCHMAN'S SUGGESTIVE POINTS TO THE MEMORIAL
REFERRED BY THE HOUSE OF REPRESENTATIVES TO
THE COMMITTEE ON MILITARY AFFAIRS.

RICHMOND, V.A., Feb. 24, 1863.

To his Excellency, JEFFERSON DAVIS,

President of the Confederate States:

SIR: I have the honor most respectfully to enclose, for your candid perusal, my memorial praying Congress for some relief to save my honestly earned reputation and character from the stigma of being a pretender, or the charge of incapacity, or of some misdemeanor, to which, the effect of Mr. Walker's having, as you consider, exceeded his authority in dealing with me, subjects me for the remainder of my eventful life. My object, in taking the liberty to send you this paper, is to show your Excellency that I do not charge you with any injustice; but setting forth the consequences arising from Mr. Walker's having given me such authority as he did, as it seems without your consent, I only desire to have put the boat, which carries on my earthly existence, in the same stream of honor and honesty, through which I steered it during fifty years of my life, before this unfortunate mishap. I hope that you will appreciate these motives of my solicitude, and indulgently accept this respectful expression of the sense of my feelings towards you.

I have the honor to remain,

Your Excellency's

Most obedient servant,

G. TOCHMAN.

To the Honorable Committee on Military Affairs, of the House of Representatives, Confederate States Congress :

Mr. CHAIRMAN and Gentleman of the Committee : I thank you for the privilege given me to appear before you, and take the opportunity to file this paper, which I beg you to consider as a part of my memorial, referred to you by the House of Representatives. The facts set forth in that memorial, upon which my case rests, are so self-evident, and so self-sustaining, as to the relief sought at the hands of Congress, that, to urge it by any argument before you, would be rather an indiscretion on my part. I appear, then, before you, for the sole purpose of answering any interrogatories you may have to propound to me, and to submit, in this paper, the following few suggestive points in my case.

1st. The supplementary act of Congress, numbered 382, and approved February 3, 1862, enacts, that the officers appointed by the President, under the 4th section of t' e act numbered 109, approved May 8, 1861, to raise "companies, battalions, and regiments, shall be the officers of the same." It is true that I obtained my authority to raise, and I did raise my troops, and organized them into companies, regiments and a brigade, as directed by that authority, prior to the date of the act numbered 382. But this act being explanatory only of the intents *ab initio* of the act numbered 109, under the provisions of which the acceptance of that authority was stipulated with me, must, it appears to me, embrace and sustain my case, as it shows that Congress never contemplated allowing any other kind of remuneration for those who would undertake to raise troops, than their right to the command of the same, and to the stipends attached to their expected ranks. Any other interpretation of this act would lead to conclusions rather disadvantageous to the Executive, without taking away my right to the relief I claim. If it should be objected that the act numbered 382 does not include in its provisions the command of brigades, I submit that the 4th section of the act numbered 109, to which the act numbered 382 explicitly refers, refutes such an objection by reference to the provisions of "an act to provide for the public defence," numbered 48, which, in section 6th, authorizes the President to organize "regiments into brigades," etc.

2d. I admit that, applying to my case the foregoing acts, even in the sense I construe and understand them, the honorable the Congress has no power to insist that the President should give me back the command of the troops I raised and organized into a brigade, the law leaving to him the *initiative* of the appointing power, even in the cases restricted and defined in the provisions of the act numbered 382. But it is evident, from these acts, that the President had full power to make with me such arrangement as his Secretary of War did make in his name; and, if the Secretary exceeded his authority, as the President intimates in one of his letters to me, annexed to the record of the memorial, it is respectfully submitted that I ought not,

and can not, suffer by it, neither in reputation nor in damages caused by depriving me of the command, without cause, especially when the President himself, when I tendered him my services at Montgomery, Alabama, told me that he would give instructions to the Secretary of War to advise me of his decision, and that I would have to make my arrangements with that Secretary.

3d. The effect of this action of the Executive, independent of the heavy losses (which in my situation as a political exile, *for the third time* in my life, are very sensibly felt), subjects me to the most galling disgrace, here and *abroad*, either of being considered a pretender, or the charge of incapacity, or of some misdemeanor. Do I deserve this, for my devotion to the cause of the Confederate States? Have I to move heaven and earth, to show my innocence here and in the old world? Will compelling me to do this, benefit the cause of these Confederate States?

4th. I do not believe that the President knows all the facts of this case. It is true I have sent him a copy of my memorial, enclosed in a letter, of which the annexed is a copy. But this communication, coming from a private individual, might not have induced him to give it a careful examination. I, therefore, respectfully suggest that my memorial be communicated to his Excellency by this committee, requesting him to furnish such information in this case, as he may deem proper to communicate to them, before any action is taken or recommended by this honorable committee. Such a course, it seems to me, would be but courteous, justly due to the President. To me, it would be so far agreeable as its result would probably disabuse me of the uncertainties and anxieties resting upon my mind, for, I candidly declare that, I cannot bring myself to believe, that this action in my case on the part of the President, is deliberately and intentionally hostile.

I have the honor to be, Mr. Chairman,

And gentlemen of the Committee,

Your obedient servant,

G. TOCHMAN.

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